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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,595	09/30/2005	Michael Joseph Haun	Haun LG1-PCT	5630
Michael J. Haun P.O. Box 47 Ninole, HI 96773				
EXAMINER				
GROSS, CARSON				
ART UNIT		PAPER NUMBER		
1791				
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06/26/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/551,595

**Applicant(s)**

HAUN, MICHAEL JOSEPH

**Examiner**

CARSON GROSS

**Art Unit**

1791

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-12, 14-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12, 14-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-28 are pending as amended on 05/14/2009.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Amendments and Arguments***

3. The applicant has amended claims 1, 2, 5, 12, 16, 17, 20, and 25 to overcome the rejections of the previous Office action. The removal of the phrase "including but not limited to" from claims 2, 5, 17, 20, and 25 renders these claims definite, and the rejection of these claims under 35 USC § 112, 2<sup>nd</sup> paragraph, is withdrawn. Independent claims 1 and 16, as amended, require stacking two or more pieces of laminated glass.
4. Applicant's arguments filed on 05/14/2009 have been fully considered but they are not persuasive.
5. The applicant has argued that Kedda only teaches the use of one piece of laminated glass (two glass layers with one plastic interlayer). The applicant respectfully disagrees. While the figures of Kedda show only two glass layers with one plastic interlayer, Kedda teaches that multiple pieces of glass can be utilized to achieve greater depth and color than is achieved when only one piece of laminated glass is used (See col. 2, lines 27-30). The use of multiple layers of glass would also necessitate the use of multiple interlayers between the glass layers.
6. The applicant further argues that the crushed cullet of Gurta's invention cannot be used as a raw material in the invention of the instant application because the glass

has been crushed and the plastic interlayer has been removed. The examiner agrees that the final crushed cullet of Gurta's invention is not suitable as a raw material for use in the method of Kedda. However, the rejection of the previous Office action did not suggest that the final ground cullet of Gurta's invention be used as a raw material in the method of Kedda. Instead, the previous rejection stated that it would have been obvious to use the laminated-glass waste, which is used as a starting material in Gurta's invention, as a raw material in the method of Kedda. The laminated-glass waste of Gurta consists of fragmented glass which is still bonded to the laminating interlayer (See col. 1, 37-39), and this laminated-glass waste is a suitable raw material for use in the method of Kedda, as detailed in the previous Office action.

7. Lastly, the applicant argues that the combination of Kedda and Gurta would not result in a cracked glass pattern similar to the cracked glass pattern of the claimed invention. Particularly, the applicant argues that a plastic interlayer is required to hold the cracked pieces of glass together until the interlayer is burned out, at which point the cracked pieces of glass fuse together with additional heating and a pattern results in the glass product corresponding to the cracks present prior to heating. The laminated-glass waste of Gurta does include a plastic interlayer which holds together cracked pieces of glass (See col. 1, lines 37-39). By using the laminated-glass waste as a starting material for the method of Kedda, which involves stacking glass, burning away a flammable interlayer, and subsequently fusing the glass together, one would create a glass product that has a pattern corresponding to cracks present in the laminated glass prior to heating.

***Claim Rejections - 35 USC § 103***

1. Claims 1-5, 16-20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kedda, USP 4,222,759 in view of Gurta, USP 3,912,534.
2. Kedda teaches a method for making a glass product, comprising cutting two blanks of glass into a desired shape, gluing the two pieces of glass together with heat destructible glue, and firing the two pieces with the second piece being on top of the first to fuse them together (See abstract; col. 1, lines 37-46). Kedda further teaches that three or more pieces of glass can be used to achieve greater depth and color than would be achieved with only two pieces (See col. 2, lines 27-30).
3. Kedda does not expressly disclose the use of laminated-glass waste in the production process and also does not expressly disclose the crushing of the glass so that it is fragmented but remains bonded to the laminating interlayer.
4. Gurta teaches a method for making a glass product from laminated-glass waste, such as laminated windshield waste, comprising crushing the glass so that it is fragmented but remains bonded to the laminating interlayer, which is made of polyvinyl butyral, and then heating the laminated-glass waste to a temperature at which the interlayer burns away (See abstract; col. 1, lines 11-20 and 35-50; col. 2, lines 1-5).
5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the laminated-glass waste disclosed by Gurta in the method for making a glass product disclosed by Kedda. The rationale to combine the laminated-glass waste disclosed by Gurta in the method for making a glass product

disclosed by Kedda is the motivation provided the teaching of Gurta that increasing costs in raw materials for glass production make it desirable to recover the glass in any spoiled laminated glass product (See col. 1, lines 16-20). Using the laminated-glass waste would lower the raw material costs of the method disclosed by Kedda.

6. The laminated-glass waste of Gurta does include a plastic interlayer which holds together cracked pieces of glass (See col. 1, lines 37-39). By using the laminated-glass waste as a starting material for the method of Kedda, which involves stacking glass, burning away a flammable interlayer, and subsequently fusing the glass together, one would create a glass product that has a pattern corresponding to cracks present in the laminated glass prior to heating.

7. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kedda, USP 4,222,759 and Gurta, USP 3,912,534 as applied to the claims above, and further in view of Setten et al., USP 6,544,587.

8. Gurta and Kedda combine to teach a method of making glass products as detailed above.

9. Gurta and Kedda do not expressly disclose the steps of adding a coating to the glass product after the initial firing and then reheating the glass product.

10. Setten teaches a method for producing a tile, comprising cutting a glass pane to a desired shape, heat treating the pane until it softens, cooling the pane to a temperature in the range of room temperature, applying a coat of mineral lacquer to one side of the pane, and firing the coat of lacquer (See col. 2, lines 63-67; col. 3, lines 1-7).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the additional coating and heating steps disclosed by Setten in the method of making glass products disclosed by Gurta and Kedda. The rationale to combine the additional coating and heating steps disclosed by Setten in the method of making glass products disclosed by Gurta and Kedda is the motivation provided by the teaching of Setten that coating and reheating the glass pane makes it possible to realize an appearance which differs completely from that of conventional tiles (See col. 2, lines 22-29).

12. Claims 6-7, 9-11, 14-15, 21-22, 24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kedda, USP 4,222,759 and Gurta, USP 3,912,534 as applied to the claims above, and further in view of Lindenberg, US PG Pub 2002/0012747.

13. Gurta and Kedda combine to teach a method of making glass products as detailed above.

14. Gurta and Kedda do not expressly disclose the step of applying a powder coating to the glass prior to firing which results in a textured surface appearance on the glass product. They also do not expressly disclose the particular temperature range in which the glass is fired and useful applications for the resulting product.

15. Lindenberg teaches a method for producing glass tiles used for finishing floors or walls in which one or more heat resistant powder coatings are applied to the rear side of a glass slab prior to firing at a temperature between 780 and 810°C. The removal of the

powder coating results in a pattern or motif that is a relief-like structure on the glass which gives it a textured surface appearance (See [0002]; [0011] - [0018]).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the coatings disclosed by Lindenberg in the method of making glass products disclosed by Gurta and Kedda. The rationale to combine the coatings disclosed by Lindenberg in the method of making glass products disclosed by Gurta and Kedda is the motivation provided by the teaching of Lindenberg that using glass tiles permits interesting optical effects to be achieved in finishing walls and floors in buildings (See [0002]). The rationale also lies in the motivation provided by the teaching of Lindenberg that using these coatings allows glass tiles backed with colored motifs that are additionally provided with a relief-like structure to be manufactured in one operating sequence at low cost and with ease of high-yield manufacturing (See [0018]).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARSON GROSS whose telephone number is (571)270-7657. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571)272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARSON GROSS/  
Examiner, Art Unit 1791

/KHANH NGUYEN/  
Primary Examiner, Art Unit 1791